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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,385	09/25/2001	Takashi Matsuo	325772025600	5488
25227	7590	07/25/2002		

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EXAMINER

BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	961 385	Applicant(s)	Mat su o
Examiner	M. Budd	Group Art Unit	28 34

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

Responsive to communication(s) filed on \_\_\_\_\_  
 This action is **FINAL**.  
 Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1- 30 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_  
 Claim(s) Claim(s) 1, 5-10 and 12-20 is/are withdrawn from consideration.  
 Claim(s) \_\_\_\_\_ is/are allowed.  
 Claim(s) \_\_\_\_\_ is/are rejected.  
 Claim(s) 3-4 and 11 is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).  
 All  Some\*  None of the:  
 Certified copies of the priority documents have been received.  
 Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
 Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 5 (1- 30- 2)  Interview Summary, PTO-413  
 Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.  
*1, 5-10 and 12-20*

Claim ~~1~~ rejected under 35 U.S.C. 102(a) as being anticipated by Mori.

More (figs. 5, 9 and 10) teaches a driving apparatus comprising the drive unit, synthesizing unit #10, piezo stacks #1, #2, base #17 and spring member #22a, b (fig. 5), #19A (fig. 9) or #115 (fig.10). Regulation is achieved via #20a, b (fig. 5) #99 (fig. 9) or #116 (fig. 10) which structures regulate the displacement of the driving unit with a prescribed distance between the base and the regulating (fixed) structure. This distance can be the thickness gaps shown in figs. 9 or 10. The structure inherently provides the claimed method of operation.

Claims 2-4 and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Further cited of interest are Matsuda, Tojo and Hayashi.

  
BRIAN D. BUNN  
PRIMARY EXAMINER  
ART UNIT 219